

S 10636

CONGRESSIONAL RECORD — SENATE

August 10, 1984

On page 20, line 1, before "The" insert "(b)".

On page 21, line 2, strike out "401(a)(2) of this Act" and insert in lieu thereof "131(a)(2)".

On page 23, lines 3 and, strike out "section 103(b) of this title" and insert in lieu thereof "subsection (b)".

On page 23, line 14, strike out "section 103 (d) and (e) of this title" and insert in lieu thereof "subsections (d) and (e) of this section".

On page 23, line 25 strike out "section 103(b) of this title" and insert in lieu thereof "subsection (b)".

On page 24, line 22 strike out "Sec. 201." and insert in lieu thereof "Sec. 111".

On page 25, line 21, strike out "204" and insert in lieu thereof "114".

On page 26, line 3, strike out "Sec. 202." and insert in lieu thereof "Sec. 112".

On page 26, line 3, strike out "201(a)" and insert in lieu thereof "111(a)".

On page 26, line 6, strike out "section 202(d) of this title" and insert in lieu thereof "subsection (d)".

On page 26, line 7, strike out "201(a)" and insert in lieu thereof "111(a)".

On page 26, line 15, strike out "201(a)" and insert in lieu thereof "111(a)".

On page 27, line 9, strike out "201(a)" and insert in lieu thereof "111(a)".

On page 27, line 13, strike out "201(a)" and insert in lieu thereof "111(a)".

On page 27, line 15, strike out "203" and insert in lieu thereof "113".

On page 27, line 17, strike out "201" and insert in lieu thereof "111".

On page 27, line 18, strike out "201(a)" and insert in lieu thereof "111(a)".

On page 27, line 24, strike out "203" and insert in lieu thereof "113".

On page 28, line 2, strike out "201" and insert in lieu thereof "111".

On page 28, line 3, strike out "Sec. 203." and insert in lieu thereof "Sec. 113".

On page 28, line 4, strike out "201(b)" and insert in lieu thereof "111(b)".

On page 28, lines 7 and 8, strike out "section 203(c) of this title" and insert in lieu thereof "subsection (c)".

On page 28, line 13, strike out "201(b)" and insert in lieu thereof "111(b)".

On page 28, line 13, strike out "201(b)" and insert in lieu thereof "111(b)".

On page 30, line 9, strike out "201(b)" and insert in lieu thereof "111(b)".

On page 30, line 13, strike out "201(b)" and insert in lieu thereof "111(b)".

On page 30, line 19, strike out "202" and insert in lieu thereof "112".

On page 30, line 20, strike out "201" and insert in lieu thereof "111".

On page 30, line 21, strike out "Sec. 204." and insert in lieu thereof "Sec. 114".

On page 30, line 21, strike out "201(c)" and insert in lieu thereof "111(c)".

On page 30, line 25, strike out "section 204(e) of this title" and insert in lieu thereof "subsection (e)".

On page 31, line 25, strike out "section 204(c) of this title" and insert in lieu thereof "subsection (e)".

On page 31, line 4, strike out "section 204(c) of this title" and insert in lieu thereof "subsection (c)".

On page 31, line 16, strike out "201(c)" and insert in lieu thereof "111(c)".

On page 31, lines 22 and 23, strike out "subsection (b)(1)" and insert in lieu thereof "paragraph (1)".

On page 32, line 7, strike out "201(c)" and insert in lieu thereof "111(c)".

On page 33, line 13, strike out "201(c)" and insert in lieu thereof "111(c)".

On page 33, line 18, strike out "203" and insert in lieu thereof "113".

On page 33, line 20, strike out "Sec. 301." and insert in lieu thereof "Sec. 121".

On page 34, line 4, strike out "Sec. 302." and insert in lieu thereof "Sec. 122".

On page 34, line 17, strike out "202, 203, and 204" and insert in lieu thereof "112, 113, and 114".

On page 35, line 3, strike out "Sec. 303." and insert in lieu thereof "Sec. 123".

On page 35, line 8, strike out "Sec. 401." and insert in lieu thereof "Sec. 131".

On page 36, line 16, strike out "201" and insert in lieu thereof "111".

On page 36, line 24, strike out "Sec. 101." and insert in lieu thereof "Sec. 201".

On page 37, line 13, strike out "Sec. 101." and insert in lieu thereof "Sec. 201".

On page 38, line 8, strike out "Sec. 101." and insert in lieu thereof "Sec. 401".

On page 39, line 8, strike out "Sec. 102." and insert in lieu thereof "Sec. 402".

On page 52, line 1, strike out "Sec. 103." and insert in lieu thereof "Sec. 403".

On page 53, line 9, strike out "Sec. 104." and insert in lieu thereof "Sec. 404".

On page 53, line 12, strike out "Sec. 105." and insert in lieu thereof "Sec. 405".

On page 53, line 18, strike out "Sec. 101." and insert in lieu thereof "Sec. 501".

AMENDMENT NO. 3711

On page 25, line 23, strike out "In no" and all that follows through line 2: in page 26 and insert in lieu thereof the following: "Subject to the amounts available in the Fund, each State of the United States and the District of Columbia shall receive not less than \$100,000 under subsections (a) and (b) of this section."

SPECTER AMENDMENT NO. 3712

Mr. BAKER (for Mr. SPECTER) proposed an amendment to the bill (S. 2423), supra, as follows:

To amend S. 2423 on page 28 by renumbering subparagraph (2) as subparagraph (3) and inserting the following new paragraph after line 18:

"(2) certify that priority shall be given to eligible recipient organizations for programs providing assistance to victims of sexual assault, spousal abuse or child abuse; and"

NOTICES OF HEARINGS

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. D'AMATO. Mr. President, I wish to announce for the information of the Senate and the public that I will chair a Senate Banking Committee field hearing in New York City on August 28 at 10 a.m. at Federal Hall, Wall Street, New York, NY.

The subjects of the hearing are drug money laundering and S. 2579, the Drug Money Seizure Act.

ADDITIONAL STATEMENTS

STUDY OF SENATE COMMITTEE SYSTEM

● Mr. QUAYLE. Mr. President, I am submitting for the RECORD a summary of the 2 days of hearings held by the Temporary Select Committee To Study the Senate Committee System. All Senators will be interested in the ideas that have been expressed, and I wish to reiterate that the Select Committee continues to solicit the comments of all Senators so that our rec-

ommendations can be based on as solid a base as possible. The Select Committee's address is SR-B42. Phone 4-2740. The summary follows:

SUMMARY OF HEARINGS HELD JULY 31, 1984 AND AUGUST 2, 1984 BY THE TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM

JULY 31, 1984

Senator Quayle stressed two points in his opening statement. First, he wanted to explore the question of committee and subcommittee proliferation and assignment limitations. Second, he wanted to consider the question of streamlining the budget-authorization-appropriations process in the interest of reducing the perceived redundancies.

Senator Ford stressed that unless the present system of committee organization and operation is clearly defective and unless a proposed change is quite clearly an effective remedy for the problem, the Committee should not recommend a change to the Rules Committee or to the Senate. He pointed out that if the Senate workload is too great then corrective action must be directed at that problem, not at the organizational system that is used to address the work. Merely renaming the organizations through which the work is accomplished will result in no change.

SENATOR HOWARD BAKER

Senator Baker addressed seven points in his testimony. First, increasingly the important work of the Senate is done in committees rather than on the floor of the Senate.

Second, the Senate has too big a workload because of the proliferation of bills, amendments and issues in the committee system.

Third, the budget process imposes a 3-layer structure that allows issues to surface again and again. There is a need to consolidate these functions or coordinate them more efficiently. One possibility, which Senator Baker said he used to support but no longer does, is that of eliminating the authorizing committees and assigning to a super appropriation committee the separate responsibilities that are now performed by the authorizing and appropriating committees. Another option is to give the appropriating authority to the individual authorizing committees and possibly authorize and appropriate in the same bill.

Fourth, Congress needs a dependable system for overseeing the intelligence operation such as a Joint Committee on Intelligence, with members appointed by the leadership in both Houses on both sides. There should be a professional staff, not a bipartisan staff. Currently the staff of the Intelligence Committees is huge and the committees are prone to leaks of sensitive information.

Fifth, Congress should hold more hearings away from Washington.

Sixth, Congress should not be in session so long. There should be two sessions each year instead of two per Congress. The first session would be an authorizing session, and the second would be an appropriating session with approximately 60 days in between to hold field hearings mentioned above.

Seventh, the leaders are primarily administrators and do not have sufficient time to discharge their legislative responsibilities. The leaders should not be members of any committees, but rather should be ex officio members of all committees.

In addition, Senator Baker agreed that the numbers of committees should be consolidated and assignment rules should be more rigidly enforced and that two-year authorizations and appropriations would be one way of simplifying the budget process.

August 10, 1984

CONGRESSIONAL RECORD — SENATE

S 10635

for the government' and 'United States attorney', as used in the Federal Rules of Criminal Procedure, shall, when applicable to cases arising under the laws of the Northern Mariana Islands, include the Attorney General of the Northern Mariana Islands or such other person or persons as may be authorized by the laws of the Northern Mariana Islands to act therein.

"Sec. 902. Section 2(a) of the Act of November 8, 1977 (91 Stat. 1266; 48 U.S.C. 1694(a)), is amended to read as follows:

"(a) The District Court for the Northern Mariana Islands shall have the jurisdiction of a district court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28, United States Code, and that of a bankruptcy court of the United States. With respect to the government of the Trust Territory of the Pacific Islands or its agencies of instrumentalities the jurisdiction of the district court shall extend only (a) to actions brought by that government or its agencies or instrumentalities, (b) to actions brought against that government or its agencies or instrumentalities based upon a commercial activity carried on by that government or its agencies or instrumentalities within the Northern Mariana Islands, and (c) to actions in which money damages are sought against that government or its agencies or instrumentalities for personal injury or death, or damage to or loss of property, occurring in the Northern Mariana Islands and caused by the tortious act or omission of that government or its agencies or instrumentalities, or of any official or employee thereof while acting within the scope of his office or employment, except any claim based upon the exercise or failure to exercise a discretionary function, regardless of whether the discretion be abused, or any claim arising out of malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit or interference with contract rights. In any suit by or against the government of the Trust Territory or its agencies or instrumentalities permissible under this section, that government or its agencies or instrumentalities shall be entitled to such rights and privileges as are applicable to the United States when it is a party. In cases in which the district court would have no jurisdiction over the government of the Trust Territory of the Pacific Islands if suit were brought against it, the district court shall equally have no jurisdiction over actions brought against the officers or employees of that government or its agencies or instrumentalities with respect to their acts or omissions colorably related to their official duties."

"Sec. 903. Section 3 of the Act of November 8, 1977 (91 Stat. 1266; 48 U.S.C. 1694b) is amended to read as follows:

"Sec. 3. (a) Prior to the establishment of an appellate court for the Northern Mariana Islands the district court shall have such appellate jurisdiction over the courts established by the Constitution or laws of the Northern Mariana Islands as the Constitution and laws of the Northern Mariana Islands provide, except that such Constitution and laws may not preclude the review of any judgment or order which involves the Constitution, treaties, or laws of the United States, including the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 263) (hereinafter referred to as "Covenant"), or any authority exercised thereunder by an officer or agency of the Government of the United States, or the conformity of any law enacted by the legislature of the Northern Mariana Islands or of any orders or regulations issued or actions taken by the executive

branch of the government of the Northern Mariana Islands with the Constitution, treaties, or laws of the United States, including the Covenant or with any authority exercised thereunder by an officer or agency of the United States.

"(b) Appeals to the district court shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The judge appointed for the court by the President shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges assigned to the court from time to time pursuant to section 1(b)(2) of this Act: *Provided*, That no more than one of them may be a judge of a court of record of the Northern Mariana Islands. The concurrence of two judges shall be necessary to any decision by the appellate division of the district court on the merits of an appeal but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of procedure.

"(c) The United States Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from all final decisions of the appellate division of the district court. The United States Court of Appeals for the Ninth Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection."

Sec. 904. Section 4 of the Act of November 8, 1977 (91 Stat. 1266, 48 U.S.C. 1694c) is amended by inserting the words, "including the Supreme Court of the United States," between the words "courts of the United States" and "and".

"TITLE X

"GENERAL PROVISIONS

"Sec. 1001. With respect to cases and controversies which may have arisen or may arise in the Northern Mariana Islands against the Government of the Trust Territory of the Pacific Islands over which the District Court of the Northern Mariana Islands lacks jurisdiction, the High Court of the Trust Territory of the Pacific Islands shall have such jurisdiction as it possessed on January 8, 1978.

"Sec. 1002. Sections 335, 336 and 402(e) of the Act of November 6, 1978 (92 Stat. 2680, 2682) are repealed.

"Sec. 1003. (a) Any judge or former judge who is receiving, or will upon attaining the age of sixty-five years be entitled to receive, payments pursuant to section 373 of title 28, United States Code may elect to become a senior judge of the court on which he served while on active duty.

"(b) The Chief Judge of a Judicial Circuit may recall any such senior judge of his circuit, with the judge's consent, to perform in the District court of Guam, the District Court of the Virgin Islands, or the District court for the Northern Mariana Islands such judicial duties and for such periods of time as the Chief Judge may specify.

"(c) Any act or failure to act by a senior judge performing judicial duties pursuant to this section shall have the same force and effect as if it were the act or failure to act of a judge on active duty; but such senior judge shall not be counted as a judge of the court on which he is serving for purposes of the number of judgeships authorized for that court.

"(d) Any senior judge shall be paid, while performing duties pursuant to this section, the same compensation (in lieu of payments pursuant to section 373 of title 28, United States Code) and the same allowances for travel and other expenses as a judge in active service.

"(e) Senior judges under subsection (a) of this section shall at all times be governed by the Code of judicial conduct for the United States judges, approved by the Judicial Conference of the United States.

"(f) Any person who has elected to be a senior judge under subsection (a) of this section and who thereafter—

"(1) accepts civil office or employment under the Government of the United States (other than the performance of judicial duties pursuant to subsection (b) of this section);

"(2) engages in the practice of law; or

"(3) materially violated the Code of judicial conduct for the United States judges,

shall cease to be a senior judge and to be eligible for recall pursuant to subsection (b) of this section.

"Sec. 1004. The prosecution in a Territory or Commonwealth is authorized—unless precluded by local law—to seek review or other suitable relief in the appropriate local or federal appellate court, or, where applicable, in the Supreme Court of the United States from—

"(a) a decision, judgment, or order of a trial court dismissing an indictment or information as to any one or more counts, except that no review shall lie where the constitutional prohibition against double jeopardy would further prosecution;

"(b) a decision or order of a trial court suppressing or excluding evidence or requiring the return of seized property in a criminal proceeding, not made after the defendant has been put in jeopardy and before the verdict or finding on an indictment or information, if the prosecution certifies to the trial court that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of a fact material in the proceeding.

"(c) an adverse decision, judgment, or order of an appellate court.

"Sec. 1005. The provisions of sections 706(a), 802(a), and 901(a) of this Act extending the terms of district court judges of the Virgin Islands, Guam, and the Northern Mariana Islands, respectively, from eight to ten years shall be applicable to the judges of those courts holding office on the effective date of this Act.

"Sec. 1006. Titles VII, VIII, IX, and X of this Act shall become effective on the ninetieth day following their enactment."

VICTIMS OF CRIME ASSISTANCE
ACT OF 1984THURMOND AMENDMENT NO.
3710 AND NO. 3711

Mr. BAKER (for Mr. THURMOND) proposed an amendment to the bill (S. 2423) to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime, as follows:

AMENDMENT NO. 3710

On page 18, line 20, before "The" insert "Sec. 2. (a)".

August 10, 1984

CONGRESSIONAL RECORD — SENATE

S 10637

He also suggested a two-year authorization cycle and an annual appropriations cycle. He also pointed out that the authority of the Appropriations Committee is less clear-cut than ten years ago because of authorization-appropriations hybrids such as the entitlement programs which effectively bypass the appropriations process.

Senator Baker noted that Senator Johnston's proposal to make the Budget Committee a subcommittee or a joint committee of both Appropriations and Finance members with the budget resolution approved by both the Appropriations Committee and the Finance Committee was a logical proposal, but added that he would include the Commerce Committee and the Environment and Public Works Committee because of the impact of the budget resolution on those committees. He also suggested getting away from a budget resolution altogether and letting the committee report to the leadership or the Senate as a whole on levels of spending.

FORMER SENATOR HENRY BELLMON

Senator Bellmon made the following points.

The Committee on Indian Affairs should not have been a permanent committee, but should rather have been fused back into the Energy Committee.

Fiscal policy takes up so much of Congress' time because it is such a serious problem, not because of deficiencies in the organizational structure of the Senate.

There are too many claims on Senators' time. The schedule and the workload should be better organized.

The budget cycle should be a biennial cycle. The appropriations process should also be biennial. This would free up one session in every Congress to deal exclusively with authorization and oversight.

The Senate should be organized so that each member has a position on one authorizing committee and each member sits on either Budget, Appropriations for Finance, which would all be considered fiscal policy committees. Finance would have to be counted as both an authorizing committee and a fiscal policy committee.

There needs to be greater emphasis on oversight in Congress, perhaps by creating an oversight committee with across-the-board authority to examine all Federal programs over a five-year cycle with the assistance of GAO. (See Appendix for details of Senator Bellmon's proposal.)

It is necessary to have a Budget Committee to recommend to the Senate appropriate fiscal policy and set priorities. Appropriations should recommend specific funding levels within those priorities.

Part of the problem with the budget process is the failure of the executive branch to exercise appropriate leadership in expediting the process.

Under Senator Bellmon's proposals for committee reorganization the A, B, and C designations would be irrelevant. During the appropriations cycle only the authorizing committees would be operative. Each group of committees would have 100 slots so that each senator would serve on one committee of each group.

Senator Wallop expressed his concern that with a biennial budget an incoming president would have very little influence over the budget when he came into office. Senator Bellmon said that there would be a period of several months in which the incoming president could make changes. He stressed that it was unlikely that a president would want to redo an entire budget and that the president would have sufficient time to make major changes.

Senator Bellmon pointed out that one advantage of his proposal is that there would

be no scheduling conflicts between Appropriations and the authorizing committees because each phase would be dealt with during different parts of the legislative session.

SENATOR DANIEL EVANS

Senator Evans made five points in his testimony. First, there is a need for efficiency and effectiveness in scheduling the Senate work week. The Senate has grown accustomed to a three-day work week. There should be a three-week cycle. The first two weeks would be five-day work weeks and the third week the Senate would not be in session at all so that the members would have an opportunity to spend quality time back in their home communities. This would also allow for the holding of more field hearings, as Senator Baker has suggested.

The committee assignment and operation process is disappointing, frustrating, ineffective and inefficient. There should be a total of 100 seats on the exclusive committees (Armed Services, Foreign Relations, Finance and Appropriations) instead of the current 85 seats so that each senator would have one seat on an exclusive committee. A further option is to combine the rest of the A committees and the B committees so that they equal 100 slots. Then each member would be limited to 2 committees. In addition, committees should be divided into classes for the purpose of scheduling meetings with each class having certain times to meet. This would reduce the meeting conflicts for members.

Third, there is a need to recreate meaningful debate on the Senate floor. This could be done by scheduling debate on major issues at certain times, such as late afternoon, and by not allowing committees to schedule meetings during that time. Members should also vote from their seats in order when the roll is called and when recognized by the roll call clerk.

Fourth, there is a need for a two-year budget process because it provides stability and tends to control undue spending. One possibility for the two-year process is for the first year to include budget, authorizing and appropriating and the second year to be devoted to oversight.

Fifth, the combination of large committee staffs and the penchant of members to become deeply involved in various subject areas results in senators working on policy on a level of detail that should be the executive responsibility. Staff numbers as well as committee numbers need to be pared down.

Senator Quayle suggested that senators be limited to membership in 11 units (a unit being a committee or a subcommittee) as a way of enforcing the limitations on committee membership. Senator Evans said that it would be a good mechanism because it would force each member to make a deliberate choice about his assignments. He would suggest a lower number of units, such as 7 or 8. In addition, proxy voting in committees should be abolished so that senators would have to attend meetings in order to vote.

Senator Johnston agreed with the concept of a three-week work week cycle and that there is a need to trim committee staff.

SENATOR MARK HATFIELD

Although the committee system is often perceived as inefficient, it can be extremely effective in discharging its responsibilities. One should be careful about tampering with complex institutions which operate in a complex environment. Because the Senate is a political institution, it should not necessarily be a smooth and highly-organized mechanism. It serves a diverse constituency.

Congress tolerates inefficiency because there is a consensus to do so. For example,

the Senate allows the consideration of legislative riders on appropriations bills despite the prohibiting rule. The process is the way it is because a majority of the Senate wants it to be that way.

The same applies to the committee system. If senators have too many assignments, it is because they have chosen to have them.

Authorizations should be multi-year, leaving annual tinkering to the appropriations process.

Rule 25, paragraph 4 of the Senate Rules, limiting assignments to 2 A committees, should be enforced. This would reduce committee size, staff levels and expenditures as well as speed the handling of legislation and sharpen the focus of senators' attention.

Senator Quayle described his 11 units proposal and suggested that if a member wanted to serve on a 12th unit he could not be counted as part of a quorum. Senator Hatfield stressed the Senate tradition of accommodation, that committee sizes would continue to increase and members would continue to acquire waivers because the Senate had a certain flexibility that allowed it to circumvent the rules.

The lack of order in the Senate follows from the lack of order in most senators' offices.

Senator Quayle asked if it would be possible to deal with the defense authorization and appropriations on the floor at the same time, as one bill. Senator Hatfield responded that it was possible if a majority of the Senate agreed to do so, but pointed out that sometimes the appropriations bills were the only vehicle available to members to force the consideration of controversial issues that the committees avoided.

Senator Johnston asked Senator Hatfield's opinion of making the Budget Committee a joint committee or subcommittee of Appropriations and Finance as suggested by the Pearson-Ribicoff Study Group. Senator Hatfield responded that it should be given serious consideration. Another possibility was for the Budget Committee to be composed of the chairmen of the authorizing committees.

One of the major things lacking in the legislative process today is oversight. The Senate is too busy with day-to-day problems. Multi-year authorizations would help to alleviate this problem, allowing time to project into the future and examine the past.

SENATOR ROGER JEPSEN

There is a need for more efficient scheduling of committee meetings.

There is a need for some kind of enforced germaneness rule.

Speaking for himself and Representative Lee Hamilton, who was scheduled to testify but could not appear, Senator Jepsen stressed that the Joint Economic Committee should not be consolidated into the Committee on Banking, Housing, and Urban Affairs as recommended by the Pearson-Ribicoff Study Group. The JEC is an effective formulator of national economic policy.

AUGUST 2, 1984

Senator Quayle opened the hearing by expressing his agreement with Senator Ford's point about avoiding change for change's sake and stressing that the current committee system has served the Senate well.

Senator Ford stated that a little thought should be given to the two-year budget process as a means of improving the operation of the Senate.

SENATOR TED STEVENS

Senator Stevens made the following points in his testimony.

S 10638

CONGRESSIONAL RECORD — SENATE

August 10, 1984

The Senate has in recent years evolved into an institution that performs functions similar to those of the House of Representatives rather than emphasizing its unique function as a continuous body. There are three basic problems: the proliferation of committees, the overlapping of processes and the Rules.

First, committee reform in the 1970s, although it eliminated some committees, has resulted in an increase in the number of subcommittees. There are currently 102, many of which should be consolidated within their own committees. Some committees should also be eliminated. This would not only reduce the scheduling conflicts and the numbers of staff, but would help the Senate to perform its proper role in the federal government.

Many times the rule prohibiting committee meetings more than two hours after the Senate is in session is being waived for subcommittees. This rule should only be waived for committees.

Second, the annual authorization process is a new factor. The same issues repeatedly come up in the authorization and appropriations processes and result in time spent in a redundant fashion. There is a need to take laws that are ingrained in our system out of the regular reauthorization process and concentrate on oversight instead. The Senate does not have time for the oversight function because of the proliferation of committees and subcommittees and the time which they consume.

The budget process is another example of redundancy of activity and it should be reviewed. It is possible to raise an issue, the MX for example, 10 times under the normal procedure and an unlimited number of times if a senator wants to pursue an issue that far. This redundancy is one of the reasons for the current lack of public confidence in Congress.

Senator Stevens agrees with Senator Baker that there is a need for more hearings out of Washington. The budget process consumes so much time that field hearings are not often held.

One option for consolidation is to combine the budget and appropriations process and combine the authorization and appropriations process. We would do away with the authorizing committees and they would become subcommittees of Appropriations. We would combine Budget and Appropriations to form a Budget and Audit Committee so that the real appropriations function of the current Appropriations Committee would survive. The standing legislative committees would end up as authorizing and appropriations subcommittees of a major committee. We would do the budget function in advance and then the oversight function. There is a need to review the budget process and determine if it is really necessary to have a budget resolution plus an authorization bill and then an appropriations bill and then a reconciliation bill.

There is a need to return to major debates on major issues on the floor. One way of ensuring meaningful debate is to open the Senate to television coverage. There should also be electronic mail so that senators could be kept informed while away from Washington.

Authorizations have, in general, become too detailed. For example, with the Department of Defense we literally authorize the number of trucks for the agency.

There is a need to modify the Rules of the Senate, especially in regard to cloture. Possibly, there is a need to find a way to deny access to the floor to any issue that has already once been resolved in that session.

In response to Senator Quayle's question about limiting subcommittees, Senator Ste-

vens stated that the legislative committees should be limited to 2 subcommittees, with the exception of Appropriations. Under Senator Stevens' plan, the legislative committees would have the appropriations authority and the Appropriations Committee would become Budget and Audit, a pre-appropriations and post-appropriations process.

Senator Quayle described his 11 units proposal. Senator Stevens agreed that it might work if the younger members of the Senate banded together to support change in the Rules. The Senate as a whole should spend two hours a day in committee or subcommittee for at least three days a week.

Senator Ford mentioned the two-year budget. Senator Stevens pointed out that it would have to be imposed on the Executive branch also. He is opposed to the 2nd budget resolution.

Senator Kasten added that the redundancy of processes also applied to the Executive branch and the Administration witnesses who must testify repeatedly on the same issue. Senator Stevens suggested having joint House and Senate hearings to hear the testimony of Cabinet officers.

Senator Dixon stated that proxy votes were misused and that much time was wasted in the committee system by senators asking questions just because they felt they must in order to appear interested and knowledgeable. The committee system also takes away from the time spent on the floor. Unwritten amendments should not be allowed and the germaneness rule should be enforced. Senator Stevens reiterated that televising major debates would help increase floor attendance. There is also a need for fewer late night sessions so that senators with young children can spend time with them.

The shortest speeches occur when there are more senators on the floor. Time usage can be controlled through peer pressure.

SENATOR LAWTON CHILES

The proliferation of committee assignments results in fewer slots on good committees for younger senators.

Senator Chiles does not agree with Senator Johnston's proposal to have Budget made up of members of Finance and Appropriations. This will work against what the Budget Committee tries to do. The Budget Act does provide a timetable for action and prohibits certain types of bills being considered prior to the adoption of the first budget resolution. The recent extreme delays encountered in getting a budget resolution in place are due to political difficulties and particularly the difficulty of the majority in getting 51 votes for its package. When the Budget Act was first enacted the budget resolution was a product of a more centrist approach, not of just one party. There is a need to streamline the budget process, but not eliminate it altogether. The second budget resolution should be done away with and the first one should be considered binding because it is the key to setting tax and spending levels. We should start the first resolution by April 15 to allow more time for authorization bills.

The procedures for reconciliation on the budget resolution should be codified. Non-budgetary items should be prohibited so as to reduce the tendency for authorizing legislation to be included as budget content.

Appropriating and authorizing committees have been encroaching on each other's proper roles. Appropriations should do the funding and authorizations should design the legislation. There is some pressure on Appropriations to legislate when the authorizing committee has refused to act on a bill. Authorizing committees are spending

more time on funding issues than on program design and oversight because of the greater interest in budgetary decisions. Authorizing committees also appear to be designing entitlements with trigger levels which is an appropriations-forcing mechanism. This leaves Appropriations with no real discretion.

Senator Quayle asked whether it would be helpful to ask the Rules Committee, the Governmental Affairs Committee or the Budget Committee to examine the Budget Act and make recommendations on how to make the budget process more efficient. Senator Chiles responded that this would only work if a group made up of members of the 3 committees assessed the Budget Act. He agreed that the fact that the Budget Act came under the jurisdiction of 3 committees was an impediment to changing it.

Senator Ford suggested a two-year budget. Senator Chiles agreed that it has some merit but expressed his concern that if the economic situation changed quickly the Budget Committee would not be free to respond if it was locked into a two-year process. He pointed out that state governments are concerned with responding to economic changes, but the federal government tries to affect the change, which would be difficult with a two-year budget. Senator Ford pointed out that there could be a supplemental to take care of such sudden shifts. The two-year budget would allow much more time for oversight activities.

Senator Chiles suggested the use of a computerized schedule to minimize meeting conflicts. In addition, the proxy rule should be done away with in order to force senators to be present to conduct business. Questioning should be done on the basis of first come-first served, not on the basis of seniority. This would encourage those who are really interested to ask questions.

SENATOR JOHN TOWER

Committees waste time bickering about jurisdiction, they duplicate each other's work and senators have workloads which are impossible to faithfully execute.

There is an unnecessary duplication of activities between the Armed Services Committee and the Defense Appropriations subcommittee. Before the Budget Act was enacted there was a need for the Appropriations Committee to pick and choose among all authorizations. The Appropriations Committee acted as the fiscal discipline of the Congress until 1974. Now the fiscal discipline is imposed at the beginning of the process with the budget resolution. Therefore there is no reason to have both an authorization and an appropriations process. The Senate cannot afford to consider major pieces of legislation twice every year. Duplicative hearings are a waste of the Executive branch's time. The committee of expertise should be the one to proposed to the Senate the course of action on program and the committees of expertise have always been the authorizing committees.

Overlap of committee jurisdictions and fragmentation of certain areas of public policy is another problem. For example, Aging, Veterans' Affairs and Indian Affairs all logically fit within the jurisdiction of Labor and Human Resources. A more striking example is the area of national security. Responsibility for this area is dispersed among the following committees: Armed Services, Appropriations, Budget, Foreign Relations, Small Business, Veterans' Affairs, Governmental Affairs, Banking, Commerce and Select on Intelligence.

There is also a lack of attention in the Senate to broad policy issues and non-pro-

August 10, 1984

CONGRESSIONAL RECORD — SENATE

S 10639

grammatic legislation. Instead the Senate spends all its time working on the budget.

First, the authorizing committees should be given appropriations responsibility. The Budget Committee should be disbanded and the Appropriations Committee should assume the responsibilities of the Budget Committee as well as responsibility for those appropriated items for which there is no authorization and for continuing resolutions and supplemental appropriations.

If the Budget Committee is retained, it should be made up of authorizing committee chairmen and ranking minority members.

Second, jurisdictions of committees should be rationalized and consolidated.

Third, a possible solution to the need for more attention to broad policy is a two-year authorization and appropriation. This would leave time for oversight in alternate years.

An alternative proposal would be for all members of the Senate to become members of the Appropriations Committee with approximately 10 subcommittees, reflecting various budget functions. Each senator would serve on one or two subcommittees, depending on the desired size of the subcommittees. These subcommittees would have both authorizing and appropriating authority. There would be no full committee markups, only floor action.

There would be a subcommittee on the Budget within the Appropriations Committee which would have as its members the chairman and ranking minority members of each Appropriations subcommittee as well as the chairman and minority members of the Finance Committee.

In addition to the Appropriations Committee, there would be a Foreign Relations Committee, a Finance Committee, a Committee on Management of the Government, a Committee on General Laws (similar to the current Judiciary Committee), a Committee on Regulated Industries and a Committee on Rules and Ethics. Each senator would serve on one of these committees in addition to the Appropriations Committee.

This plan would achieve consolidation of the authorization and appropriations process. It would consolidate and rationalize jurisdictions of committees. It would reduce the numbers of committees and assignments and ease the problem of scheduling conflicts.

In addition there should be a rule to require that a senator provide the Senate with 48 hours advance notice before a nongermane amendment is offered to a bill on the floor.

Senator Quayle asked if it would be feasible to deal with the defense authorization and appropriations at the same time on the floor with a requirement that amendments be mathematically consistent. Senator Tower stated that his proposal would accomplish essentially the same thing and that the current delays were caused by the need to wait for the budget process to complete its work.

SENATOR PETE DOMENICI

The three fiscal processes, authorization, appropriations and budget, have been misused. The authorization process was designed to set policy parameters, but the Senate has frequently argued so long over authorizations that funding has preceded substantive debate. In other cases the authorizing process has been used to lock in funding levels, thus totally thwarting the appropriations process.

The appropriations process was designed to divide up available resources in a given fiscal year among competing federal programs. Appropriations has frequently been

used to debate substantive policy issues, causing atrophy of the authorization process.

The budget process was designed to provide a framework, a broad fiscal policy. The timetable it established has helped Congress to report authorizing legislation on a timely basis and to pass far more of its regular appropriations bills by the beginning of the fiscal year than had previously been the case. During the 8 years prior to the Budget Act, Congress passed an average of only 1 regular appropriations bill by the start of the fiscal year. During the first 8 years following the Budget Act, Congress has passed an average of 5 regular appropriations bills by the start of the fiscal year.

However, there are still late authorizations and late appropriations and the Senate wastes its time debating the same issues repeatedly.

The solution is to return to the original purposes of each of these functions, not to consolidate one or more of them. The budget process has resulted in more meaningful debate on the floor.

Senator Domenici is opposed to Senator Johnston's proposal to make the Budget Committee a subcommittee of Finance and Appropriations.

Duplicate votes on the floor occur because a majority of the Senate wishes them to occur. No process or rule will prevent a majority of the Senate from carrying out its will.

The inability of authorizations to be done on time is not the fault of any process. It simply means that consensus has been harder to achieve. The same is true for appropriations. Efficiency has been deliberately sacrificed in order to avoid serious legislative errors.

In order to correct the current difficulties, we should insist that the first budget resolution be completed on time and that it stick to broad parameters only. This might be encouraged by specifying in more detail the types of amendments that would be in order, by shortening the length of floor debate and by shortening the time for floor debate on amendments to assure that extraneous matters do not enter the debate. The Budget Act provisions that are designed to assure timely completion of conferences on budget resolutions should be enforced.

A binding first budget resolution is a useful suggestion.

Authorizations should be completed on time and before floor action on related appropriations bills begins. There should be rules that assure that funding levels are not locked in through the authorization process prior to the appropriations debate, particularly when entitlements are involved.

Appropriations debates should be carried on without the intrusion of substantive legislative amendments and should be completed on time. One possibility is to move to an omnibus appropriations bill and examine the desirability of aligning the Appropriations subcommittee jurisdictions to coincide with functional categories.

One option is to merge the House and Senate Budget Committees into a Joint Committee on the Budget, similar to the old Joint Atomic Energy Committee. This would speed up the budget process. This committee could also ensure that reconciliation instructions included in a budget resolution are followed and that the Senate is kept informed of the creation of new or expanded entitlements. The Joint Committee on the Budget could also integrate the formulation of a federal credit budget into the congressional budget process and annually review all off-budget expenditures and tax expenditures. In addition, the Committee

could consider the advisability of adopting biennial budgeting.

It is possible that the creation of a Joint Committee on the Budget may make the existence of the Joint Economic Committee unnecessary.

There is a need to have some kind of schedule on the floor and for the practice of holds to be modified.

Another possibility is to break up the budget process into four pieces: defense, foreign assistance, appropriated accounts and entitlements.

Senator Quayle pointed out that the process often gets bogged down when dealing with annual authorizations and annual appropriations, not when dealing with permanent legislation. Senator Domenici agreed and suggested that maybe there was a need for a 5-year defense authorization. Senator Quayle suggested trying a two-year authorization as an experiment and appropriating on an annual basis.

Senator Quayle suggested consolidating jurisdiction over the Budget Act as a first step toward modifying it. Senator Domenici suggested that instead a special one-year committee be created composed of members of Rules, Governmental Affairs and the Budget Committee in order to avoid committee jurisdiction battles.

Senator Melcher expressed his interest in a Joint Committee on the Budget and in having only one, binding budget resolution.

SENATOR JOHN STENNIS

The concept of the Budget Committee should be retained.

There is a need for more serious and meaningful debate and freer discussion among committee members rather than the use of proxy votes.

Senator Quayle asked what the biggest change in the Senate had been over the years. Senator Stennis responded that the senators go home too often, but yet do not spend enough time at home.

Senator Stennis added that there is a need for a high quality team of inspectors and investigators attached to the Appropriations Committees of each house to carry out oversight.

SENATOR SAM NUNN

The annual budget process is the current problem. It has taken over the time and workload of the Senate and of the committee and of the Executive branch. Even with the expenditure of all this effort, passage of a budget each year comes later and later. There are several reasons for this development.

First, there is duplicative committee review. Detailed review of the President's budget is annually performed in each House at least three times by three different sets of committees: Budget, Appropriations and the authorizing committees. The Senate also wastes time on the floor repeatedly debating the same issues.

Second, there is excessive attention to detail in authorizations.

Third, the accounting structures used by each participant in the budget process are not compatible or consistent. This is complicated by diffused division of committee jurisdiction.

In summary, Senator Nunn made the following points:

First, there is not enough time for Congress to complete the budget, authorization and appropriations process.

Second, there is insufficient time for oversight of programs and policies because the budget process has become so unwieldy.

Third, more and more of the federal budget has to be authorized annually, causing overloads in the authorizing committees.

S 10640

CONGRESSIONAL RECORD — SENATE

August 10, 1984

Fourth, missed deadlines anywhere in the budget process have a domino effect on the remainder of the budget process.

Fifth, making the second resolution binding delays the process.

Sixth, appropriations bills are becoming more contentious and harder to pass.

Seventh, there are too many legislative and non-germane proposals on appropriations bills.

Eighth, schedules are too hurried.

Ninth, there is too much duplicative effort among all the committees.

There are too many committees and subcommittees in Congress and assignment limitations are not enforced.

Senator Nunn proposed the following solutions:

First, there is a need for a shift to some form of multi-year budgeting.

Second, the accounting framework should be rationalized by deciding on uniform and rational accounting/function categories.

Third, three different committees in each House should not be doing essentially the same thing. There is a need for some consolidation. For example, there could be a combined Budget/Appropriations Committee with strengthened macro authority and the authority to enforce its decisions after they have been endorsed by the Senate. This Committee would also have the authority to de-appropriate. This would allow the authorizing committees to also appropriate under the firm guidance and enforcement of this committee's guidelines.

Fourth, Congressional self-restraint must be exercised when reviewing budget proposals. The appropriate level of detail must be determined.

In addition, Senator Nunn suggested that senators work 5 days a week for the first 3 or 4 months of the year instead of the current tendency toward a 3-day work week.

Senator Quayle suggested dealing with the defense authorization and appropriations at the same time of the floor. Senator Nunn agreed that it would save some time on the floor, but would not have an effect on witnesses from the executive branch. He stressed that committees, for all their delving into detail, are not doing the work of oversight and are not looking at broad strategy at all. He also expressed his support for a Joint Committee on Intelligence.

In addition, Senator Nunn pointed out that the federal government is doing more and more in various areas and is not capable of handling all of these items with the same degree of attention as the States.

Another alternative to resolving problems with the budget process would be for Congress to establish an explicit procedure to authorize milestone decisions in the weapons acquisition process, which parallel the current system of the Defense System Acquisition Review Council milestones used by the Department of Defense. In other words, instead of having have a time limit on a weapons system, the research stage could be authorized, then the development stage, then the engineering production stage and then the final production.

There is enough for two committees to do in the military area. It is pointless for them both to be doing the same things and omitting the same things.

SENATOR EDWARD ZORINSKY

The Veterans' Affairs Committee should not be eliminated. This Committee has rendered and continues to render invaluable services to the former members of the military. It can continue to do so most efficiently as a separate committee.

SENATOR NANCY KASSEBAUM

There is a need for the authorizing and appropriating committees to adhere more

closely to their functions. Possibly, as a means of making the process more efficient, the two committees could have a conference and take to the floor one bill.

The Budget Committee provides a valuable framework for fiscal policy-making.

There is a need to combine hearings so that witnesses from the Executive branch would not have to testify repeatedly on the same subject and senators would not have to listen repeatedly to the same testimony.

SENATOR MACK MATTINGLY

Congress has become a full-time legislative bureaucracy that allows little time for formulation and drafting of ideas. The cause of this is the committee system. The proliferation of committees has resulted in proliferation of staff. Senators are spread too thin among their committees to be informed on all relevant issues. The result is a staff that is discharging the responsibilities that senators are elected to perform.

Senator Mattingly suggested the following solutions:

First, go to a two-year budget cycle.

Second, return to a two-track authorization/appropriations process. The third track, the budget process, has been a wasteful and redundant failure. The budget figures should be folded into the appropriations and finance process.

Third, reduce the number of subcommittees and their staffs.

Fourth, eliminate the special, select and joint committees and incorporate their responsibilities into the proper authorizing committees.

Fifth, eliminate the use of proxies in committee and record all committee votes for the published record.

Sixth, restrict the number of committee staff allowed on the Senate floor.

In addition, Senator Mattingly mentioned that Military Appropriations had held joint hearings with Armed Services and it worked very well.

REPRESENTATIVE HENRY HYDE

This statement was included in the record. Rep. Hyde did not testify in person.

There is a need for a Joint Committee on Intelligence in order for Congress to exercise responsible oversight of intelligence activities. Congressional oversight must be nonpolitical and bipartisan in order to earn public credibility. Leaks of sensitive information must be prevented.

The two current committees reflect different perspectives and frequently do not focus on the same matters. Apparently there is little interaction or coordination on the issues.

A Joint Intelligence Committee would not only eliminate the above problems, it would encourage bipartisan cooperation and ensure a more effective Congressional oversight operation.

SENATOR ALAN CRANSTON

Senator Cranston submitted for the record a statement stressing the need to retain the Veterans' Affairs Committee as a separate committee. The Veterans' Affairs Committee is performing valuable services in an efficient and effective manner.

SENATOR PAUL SARBANES

Senator Sarbanes submitted for the record a statement stressing the need to retain the Veterans' Affairs Committee as a separate committee. The continuation of the Veterans' Affairs Committee demonstrates the commitment of the Senate to the nation's veterans. The Veterans' Affairs Committee has enabled the Senate to address the specialized needs and concerns of veterans.

Stephen L. Edmiston of Disabled American Veterans, Paul S. Egan of The American

Legion and Donald H. Schwab of the Veterans of Foreign Wars all submitted statements for the record stressing the need to retain the Veterans' Affairs Committee as a separate standing committee and describing the scope and quality of its services to American veterans.

In addition, Patrick J. Clements of the Small Tribes Organization of Western Washington submitted for the record STOWW's support for the continuation of the Select Committee on Indian Affairs as a permanent standing committee.

APPENDIX.—POSSIBLE SCHEDULE FOR A BIENNIAL BUDGET AND APPROPRIATIONS CYCLE
FORMER SENATOR HENRY BELLMON

Budget session—odd numbered years.—Congress convenes in January, odd numbered years, and turns immediately to consideration of two-year budget and two-year appropriations bills. This session must conclude by October 1.

Recess October 1 to October 15.

Authorization/oversight session—begins October, odd numbered years.—Completed March 15, even numbered years.—Authorization/oversight session begins October 15, odd numbered years, recesses November 15, odd numbered years through January 15, even numbered years, and completes its task by March 15, even numbered years.

Recess March 15 to March 31.

Supplemental session—April, even numbered years.—There would be a brief session for the consideration of supplemental appropriations (including appropriations for new authorizations as well as emergency items), and other necessary fiscal policy bills (miscellaneous tariff bills and other revenue legislation, etc.).

End of April, even numbered years—Congress adjourns sine die.—This schedule allows little room for Congressional recesses during either the budget session or the authorization/oversight session.

It would, however, allow Congress to complete its work in sixteen months.

HAWAII STATEHOOD SILVER JUBILEE DAY

○ Mr. INOUE. Mr. President, the 25th anniversary of Hawaii's admission as the 50th State of our Union will be celebrated on August 21, 1984.

In recognition of this historic occasion, the House this week unanimously passed Senate Joint Resolution 248, designating August 21 as "Hawaii Statehood Silver Jubilee Day," clearing this measure for Presidential consideration. This Senate joint resolution was introduced by me and my colleague, SPARK MATSUNAGA, and unanimously passed by the Senate on April 11.

It is my sincerest hope that the President will approve this measure, in view of its major significance to the citizens of Hawaii and our Nation.

Statehood for Hawaii was achieved through the united efforts of all segments of our community—elected officials, business leaders and, above all, the people of Hawaii. The spirit of Americanism has long flourished among Hawaii's people through their demonstrated loyalty, spirit of equality and compassion, and steadfast devotion to the guiding principles of our Nation. The case for Statehood was